

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 07-07

AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2006-00002 TO REPLACE THE DOWNTOWN CHAPTER OF VOLUME II OF THE COMPREHENSIVE PLAN AND ADD NEW GOALS, POLICIES, AND ACTION MEASURES AND AMEND COMPREHENSIVE PLAN POLICY 5.5

WHEREAS, the findings and recommendations of the Tigard Downtown Improvement Plan were accepted by City Council Resolution 05-62; and

WHEREAS, a recommendation of the Tigard Downtown Improvement Plan Implementation Action Plan is to make code and regulatory adjustments to be consistent with the vision of the Plan; and

WHEREAS, the City has proposed an amendment to the Tigard Comprehensive Plan Chapter 11 adding new Goals, Policies, and Action Measures for the Downtown Urban Renewal District and updating Policy 5.5; and

WHEREAS, the Tigard Planning Commission held a public meeting on March 19, 2007, and recommended approval of the proposed CPA 2006-00002 (with a minor revision) by motion and with unanimous vote; and

WHEREAS, on April 24, 2007, the Tigard City Council held a public hearing to consider the Commission's recommendation on CPA 2006-00002, hear public testimony, and apply applicable decision-making criteria.

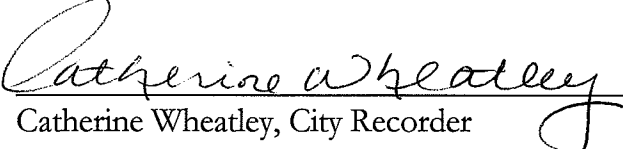
NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard Comprehensive Plan (Volume II) is amended to include the text in **"EXHIBIT A."**

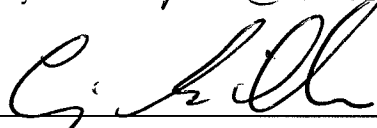
SECTION 2: The findings and conclusions contained in the Staff Report dated March 7, 2007, the Planning Commission meeting minutes for March 19, 2007, and memorandum to Council dated March 29, 2007, are adopted by reference (**"EXHIBIT B"**, **"EXHIBIT C"**, and **"EXHIBIT D"** respectively).

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.


PASSED: By UNANIMOUS vote of all Council members present after being read by number and title only, this 24th day of April, 2007.


Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 24th day of April, 2007.


Craig Dirksen, Mayor

Approved as to form:


City Attorney

4.24.07
Date

EXHIBIT A

5. ECONOMY

Commentary : The proposed amendment would amend Policy 5.5 of the Tigard Comprehensive Plan (Volume II) to allow complementary residential development throughout the Urban Renewal district. The Tigard Downtown Improvement Plan states that more housing and a variety of housing types will help create a vibrant and economically sound city core. Although much of the new residential development would be focused in mixed use development above the first floor, the TDIP does call for medium-density, stand alone housing types, such as townhouses, in the area bordering Fanno Creek Park.

- Language to be added to the Comprehensive Plan is underlined.
- Language to be deleted from the Comprehensive Plan is shown in ~~striketrough~~.

POLICIES

5.5 THE CITY SHALL PROHIBIT RESIDENTIAL DEVELOPMENT IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS EXCEPT:

~~COMPLIMENTARY RESIDENTIAL DEVELOPMENT SHALL BE PERMITTED ABOVE THE FIRST FLOOR IN THE CENTRAL BUSINESS DISTRICT, AND ABOVE THE SECOND FLOOR IN COMMERCIAL PROFESSIONAL DISTRICTS. (THE DENSITY OF RESIDENTIAL DEVELOPMENT SHALL BE DETERMINED IN ACCORDANCE WITH THE R-40 DISTRICTS.)~~ IN ALL ZONING DISTRICTS IN THE DOWNTOWN TIGARD URBAN RENEWAL DISTRICT AT APPROPRIATE DENSITIES. IN COMMERCIAL PROFESSIONAL DISTRICTS RESIDENTIAL DEVELOPMENT SHALL BE ALLOWED ABOVE THE SECOND FLOOR. (THE DENSITY IN THE COMMERCIAL PROFESSIONAL DISTRICT SHALL BE DETERMINED IN ACCORDANCE WITH THE R-40 DISTRICTS.) AND;

EXISTING SINGLE FAMILY HOMES WITHIN THE MIXED USE EMPLOYMENT ZONE SHALL BE CONSIDERED PERMITTED USES AND NEW MULTI-FAMILY DEVELOPMENT SHALL BE PERMITTED AND ENCOURAGED TO DEVELOP AT R-40 DENSITIES;

WITHIN THE MUC, MUR 1 AND 2 AND MUE 1 AND 2 ZONES WITHIN THE WASHINGTON SQUARE REGIONAL CENTER, WHERE RESIDENTIAL USES SHALL BE PERMITTED AND ENCOURAGED AT HIGH DENSITIES RANGING FROM R-25 (MUE 2 AND MUR 2) TO R-50 (MUC, MUE 1 AND MUR 1); AND

WITHIN THE MUC-1 DISTRICT, WHERE RESIDENTIAL USES SHALL BE PERMITTED AND ENCOURAGED TO DEVELOP AT A MINIMUM OF 25 UNITS PER ACRE TO A MAXIMUM OF 50 UNITS PER ACRE. RESIDENTIAL USES WHICH ARE DEVELOPED ABOVE NON-RESIDENTIAL USES AS PART OF A MIXED USE DEVELOPMENT SHALL NOT BE SUBJECT TO THESE DENSITIES.

11. SPECIAL AREAS OF CONCERN

11.1 DOWNTOWN TIGARD URBAN RENEWAL DISTRICT

BACKGROUND

Citizens have expressed a desire to create a “heart” for their community: a place to live, work, and play, and to serve as a community gathering place.

Main Street and the surrounding area have served as Tigard’s historic center, dating back to around 1907. Planning for Downtown Tigard’s revitalization has been a long-term process, stretching back at least 25 years. The most recent effort dates back to 2002, with the announcement of plans for a Washington County Commuter rail line with a planned station in downtown Tigard. This inspired a small group of citizens and business owners to work on ideas for Downtown to capitalize on Commuter Rail. A state Transportation and Growth Management (TGM) grant facilitated the hiring of consultants and a more extensive planning process. A Task Force of 24 citizens was formed to guide the plan’s development. The planning process incorporated high levels of citizen involvement, including community dialogues, workshops, open house, and a public survey.

Tigard Downtown Improvement Plan (TDIP)

The TGM grant and planning process resulted in the Tigard Downtown Improvement Plan (TDIP). The TDIP set forth a vision to create “a vibrant and active urban village at the heart of the community that is pedestrian oriented, accessible by many modes of transportation, recognizes and uses natural resources as an asset, and features a combination of uses that enable people to live, work, play and shop in an environment that is uniquely Tigard.”

Urban Renewal Plan

An Urban Renewal Plan was developed to implement the TDIP. The tools provided by urban renewal, including Tax Increment Financing, are intended to attract private investment and facilitate the area’s redevelopment. Tigard voters approved the use of Tax Increment Financing for Urban Renewal in the May 2006 election.

FINDINGS

- Existing Conditions

- Land Use

- The Urban Renewal Area contains approximately 193.71 acres (including 49.57 acres of right-of-way) and comprises 2.6% of the City’s 7496 acres of total land area. It contains 193 individual properties. The current land uses are dominated by development with little pedestrian-friendly orientation. Outside of Main Street, the existing buildings do not create a sense of place and cohesive function, but rather appear to be spread out and auto-dependent. Block sizes are large for a downtown.

In general, downtown properties have low improvement to land (I:L) ratios. Healthy I:L ratios for downtown properties range between 7.0 -10.0 or more. In Tigard's Urban Renewal Area 2004-05 I:L averages were 1.43 for commercial properties and 2.79 for multi-family residential. (Report Accompanying the City Center Urban Renewal Plan.)

Under existing conditions, Downtown is underdeveloped and lacks the mix of high quality commercial, office, residential and public uses suitable for an urban village.

Transportation System

The Area is served by two major transportation corridors (99W and Hall Blvd.) with heavy traffic levels. Many of the other Downtown streets lack complete sidewalks. In general, there are poor linkages to and within the Downtown.

Railway tracks also bisect the Downtown. A planned system upgrade will make both commuter and freight train operation more efficient and less disruptive to automobile traffic.

Natural Features

Fanno Creek flows through downtown and is the most notable natural feature. The creek, part of its floodplain and associated wetlands are part of a 22-acre city park with a multi-use path.

- **Current Zoning Districts and Comprehensive Plan Designations**

The majority of the Downtown is zoned Central Business District (CBD). While the current CBD zone allows the mix of uses necessary for a successful downtown, the regulations lack the language to guide new development to be consistent with the preferred urban form. As a result, the area has developed without many of the pedestrian-oriented qualities specified in the Tigard Downtown Improvement Plan and Metro's 2040 Growth Concept.

The Tigard Urban Renewal Area encompasses the original Plan area and several additional tax lots, which are zoned R-4.5, R-12 (PD), R-25, C-G (General Commercial) and C-P (Professional/ Administrative Commercial.) Several of these tax lots are located to the northwest of Highway 99W. These additional zones do not permit mixed use development, which is crucial for successful downtowns.

- **Community Values**

According to the Comprehensive Plan Issues and Values Summary, Downtown is important to Tigard residents; many use it on a weekly basis. Many would like it to see improvements so it will become a gathering place for the community.

Tigard Beyond Tomorrow's Community Character & Quality of Life section, includes a goal to achieve a future where "the Main Street area is seen as a 'focal point' for the community," and "a clear direction has been established for a pedestrian-friendly downtown and is being implemented."

The passage of the Urban Renewal measure in May 2006 by 66% of voters also shows strong community support for Downtown's revitalization.

- **Metro Requirements for Town Center Planning**

Title 6 of the Urban Growth Management Functional Plan requires local jurisdictions to adopt land use and transportation plans that are consistent with Metro guidelines for Town Centers.

GOAL

The City will promote the creation of a vibrant and active urban village at the heart of the community that is pedestrian oriented, accessible by many modes of transportation, recognizes natural resources as an asset, and features a combination of uses that enable people to live, work, play and shop in an environment that is uniquely Tigard.

POLICIES

11.1. Facilitate the Development of an Urban Village

11.1.1 New zoning, design standards and design guidelines shall be developed and used to ensure the quality, attractiveness, and special character of the Downtown as the "heart" of Tigard, while being flexible enough to encourage development.

11.1.2 The Downtown's land use plan shall provide for a mix of complimentary land uses such as:

- a) Retail, restaurants, entertainment and personal services;
- b) Medium and high-density residential uses including rental and ownership housing;
- c) Civic functions (government offices, community services, public plazas, public transit centers, etc)
- d) Professional employment and related office uses
- e) Natural Resource protection, open spaces and public parks

11.1.3 The City shall not permit new land uses such as warehousing; auto-dependant uses; industrial manufacturing; and industrial service uses that would detract from the goal of a vibrant urban village.

11.1.4 Existing nonconforming uses shall be allowed to continue, subject to a threshold of allowed expansion.

11.1.5 Downtown design, development and provision of service shall emphasize public safety, accessibility, and attractiveness as primary objectives.

11.1.6 New housing in the downtown shall provide for a range of housing types, including ownership, workforce and affordable housing in a high quality living environment.

11.1.7 New zoning and design guidelines on Main Street will emphasize a “traditional Main Street” character.

11.2 Develop and Improve the Open Space System and Integrate Natural Features into Downtown

11.2.1 Natural resource functions and values shall be integrated into Downtown urban design.

11.2.2 The Fanno Creek Public Use Area, adjacent to Fanno Creek Park shall be a primary focus and catalyst for revitalization.

11.2.3 Development of the Downtown shall be consistent with the need to protect and restore the functions and values of the wetland and riparian area within Fanno Creek Park.

11.3 Develop Comprehensive Street and Circulation Improvements for Pedestrians, Automobiles, Bicycles and Transit

11.3.1 The Downtown shall be served by a complete array of multi-modal transportation services including auto, transit, bike and pedestrian facilities.

11.3.2 The Downtown shall be Tigard’s primary transit center for rail and bus transit service and supporting land uses.

11.3.3 The City, in conjunction with TriMet, shall plan for and manage transit user parking to ensure the Downtown is not dominated by “park and ride” activity.

11.3.4 Recognizing the critical transportation relationships between the Downtown and surrounding transportation system, especially bus and Commuter Rail, Highway 99W, Highway 217 and Interstate 5, the City shall address the Downtown’s transportation needs in its Transportation System Plan and identify relevant capital projects and transportation management efforts.

11.3.5 Streetscape and Public Area Design shall focus on creating a pedestrian friendly environment without the visual dominance by automobile-oriented uses.

11.3.6 The City shall require a sufficient but not excessive amount of parking to provide for Downtown land uses. Joint parking arrangements shall be encouraged.

ACTION MEASURES

Staff will work on these short and medium term actions to implement policies that will support the creation of a vibrant, compact, mixed-use area with housing, retail and employment opportunities.

11.A Facilitate the Development of an Urban Village

11.A.1 Develop design guidelines and standards that encourage attractive and inviting downtown commercial and residential architecture with quality design and permanent materials, particularly in the building fronts and streetscape. Also develop appropriate density, height, mass, scale, architectural and site design guidelines.

11.A.2 Consider utilizing form based code principles in ways that are consistent with state planning laws and administrative rules.

11.A.3 Adopt non-conforming use standards appropriate to a downtown in transition.

11.A.4 Develop code measures to mitigate any compatibility issues when new downtown development occurs in close proximity to the Downtown's commuter rail line.

11.A.5 Provide areas in the Downtown where community events, farmer's markets, festivals and cultural activities can be held.

11.A.6 Designate the Downtown area as the preferred location for Tigard's civic land uses.

11.A.7 Promote an awareness of the Downtown's history through measures such as public information, urban design features and preservation of historic places.

11.A.8 Monitor performance of design guidelines, standards and related land use regulations and amend them as necessary.

11.B Develop and Improve the Open Space System and Integrate Natural Features into Downtown

11.B.1 Acquire property and easements to protect natural resources and provide public open space areas, such as park blocks, plazas and mini-parks.

11.B.2 Develop "green connections" linking parks and greenways with adjacent land uses, public spaces and transit.

11.B.3 Incorporate public art into the design of public spaces.

11.B.4 Enhance the landscape and habitat characteristics of Fanno Creek as a key downtown natural resource.

11.C Develop Comprehensive Street and Circulation Improvements for Pedestrians, Automobiles, Bicycles and Transit

11.C.1 Develop a circulation plan that emphasizes connectivity to, from, and within the Downtown in the design and improvement of the area's transportation system, including developing alternative access improvements to Downtown, such as connections across Highway 99W.

11.C.2 Address public safety and land use compatibility issues in the design and management of the Downtown's transportation system.

11.C.3 Investigate assigning different roadway designations within the general area of the Downtown as means to support transportation access to Town Center development such as ODOT's Special Transportation Area (STA) and Urban Business Area (UBA).

11.C.4 Implement an integrated Downtown pedestrian streetscape and landscape plan.

11.C.5 Acquire property and easements to implement streetscape and landscape plans, and develop needed streets, pathways, entrances to the Commuter Rail park and ride lot, and bikeways.

11.C.6 Express the themes of an urban village and green heart by utilizing the "unifying elements" palette from the Streetscape Design Plan to design streetscape improvements.

11.C.7 Emphasize sustainable practices in street design through innovative landscaping and stormwater management and provision of multimodal infrastructure.

11.C.8 Encourage sustainability features in the design of Downtown buildings.

11.C.9 Encourage the formation of a Downtown Parking and Transportation Management Association.

11.C.10 Incorporate the Downtown's public investment / facility needs into the City's Public Facility Plan and implementing Community Investment Plan.

D. Other Action Measures

11.D.1 Develop and implement strategies to address concerns with homeless persons and vagrancy in the Downtown and Fanno Creek Park.

11.D.2 Provide public, including members of the development community, with regular informational updates on Urban Renewal progress and an accounting of funds spent by the City Center Development Agency.

Agenda Item:

Hearing Date: March 19, 2007 Time: 7:00 PM

**STAFF REPORT TO THE
PLANNING COMMISSION
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: COMPREHENSIVE PLAN AMENDMENT TO UPDATE
DOWNTOWN GOALS, POLICIES AND ACTION MEASURES

FILE NO.: Comprehensive Plan Amendment (CPA) CPA2006-00002

PROPOSAL: The City is requesting approval of a Comprehensive Plan Amendment to amend Section 11 of the Tigard Comprehensive Plan to incorporate Goals, Policies, and Action Measures as a basis to implement the Tigard Downtown Improvement Plan's vision of a pedestrian-oriented, mixed use Town Center in the Downtown Urban Renewal Area. The amendment would also update Section 5 to allow complimentary residential development throughout the Urban Renewal District.

APPLICANT: City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223

OWNER: N/A

LOCATION: Tigard Downtown Urban Renewal District

ZONING

DESIGNATION: CBD, C-G, C-P, R-4.5, R-12 (PD), R-25

COMP PLAN: Commercial, Residential

**APPLICABLE
REVIEW**

CRITERIA: Community Development Code Chapters 18.380 and 18.390;
Comprehensive Plan Policies 1, 2, 3 5, 6, 8, 9 and 11; Metro Functional
Plan Title 6, and Statewide Planning Goals 1, 2, 5, 8, 9, 10 and 12.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the Tigard City Council to amend the Tigard Comprehensive Plan to replace Section 11.1 and amend Policy 5.5 as determined through the public hearing process.

SECTION III. BACKGROUND INFORMATION

Project History

Citizens have expressed a desire to create a "heart" for their community: a place to live, work, and play, and to serve as a community gathering place, in Downtown Tigard.

The current planning effort to create a "heart" in Downtown Tigard dates back to 2002. A group of citizens and business owners were inspired to work on ideas for Downtown to capitalize on the planned Commuter Rail station in Downtown. A more extensive planning process was made possible with a state Transportation and Growth Management (TGM) grant. A Task Force of 24 citizens was formed to guide the plan's development. The planning process incorporated high levels of citizen involvement, including community dialogues, workshops, open house, and a public survey. Because of the Downtown Improvement Plan citizen involvement process, the City of Tigard was awarded the 2005 Good Governance Award from the League of Oregon Cities. The award recognizes exceptional city programs that unite citizens within a community.

Tigard Downtown Improvement Plan (TDIP)

The planning process resulted in the Tigard Downtown Improvement Plan (TDIP). The TDIP set forth a vision to create "a vibrant and active urban village at the heart of the community that is pedestrian oriented, accessible by many modes of transportation, recognizes and uses natural resources as an asset, and features a combination of uses that enable people to live, work, play and shop in an environment that is uniquely Tigard."

Urban Renewal Plan

An Urban Renewal Plan was developed to implement the TDIP. The tools provided by urban renewal, including Tax Increment Financing, are intended to attract private investment and facilitate the area's redevelopment. Tigard voters approved the use of Tax Increment Financing for the Urban Renewal District in the May 2006 election.

Proposal Description

In order to implement the TDIP, amendments to the Comprehensive Plan are necessary. These will establish the "legislative foundation" on which other land use actions and amendments to the Tigard Development Code can be based, including specific zoning map, land use and design standards.

The first step is to completely replace Section 11.1 of the Comprehensive Plan, which covers the Downtown Central Business District of Neighborhood Planning Organization #1. The proposed Goals, Policies, and Action Measures would be applicable to the Tigard Downtown Urban Renewal District (which encompasses a slightly larger area than the Central Business District zone referred to in Section 11.)

The City is currently updating the Comprehensive Plan in its entirety. Each section of the updated Plan will include Findings, Goals, Policies, and Action Measures. Here is an explanation of these terms:

Findings are the written statements of relevant facts that are the basis for the Goals, Policies, and Action Measures.

Goals are the broad-based statement of the community's desires. In this case the proposed Goal is taken directly from the Tigard Downtown Improvement Plan.

Policies are general statements intended to guide the City now and in the future. They provide general legislative direction and are the foundation for the City's land use, codes, and standards.

Action Measures are more specific short and medium term actions that will implement the Goals and Policies. This term will replace "Implementation Strategies" found in the existing Comprehensive Plan. They can be evaluated on a regular basis- every two years, to check on their progress. Action Measures are not required to be referenced when new land use codes and standards are proposed for adoption.

In addition, Policy 5.5 of the Comprehensive Plan needs to be updated to allow for the opportunity for a variety of housing types called for in the TDIP, throughout the Downtown Urban Renewal District.

SECTION IV. SUMMARY OF REPORT

Applicable criteria, findings and conclusions

- Tigard Community Development Code
 - Chapter 18.380
 - Chapter 18.390
- Applicable Comprehensive Plan Policies
 - Policies 1, 2, 3, 5, 6, 8, and 9
- Applicable Metro Standards
 - Title 6
- Statewide Planning Goals
 - Goals 1, 2, 5, 8, 9, 10 and 12

City Department and outside agency comments

SECTION V. APPLICABLE CRITERIA AND FINDINGS

APPLICABLE PROVISIONS OF THE CITY'S IMPLEMENTING ORDINANCES.

Tigard Development Code Chapter 18.380: Zoning Map and Text Amendments

This chapter sets forth the standards and process governing legislative and quasi-judicial amendments to this title and zoning district map. Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060.G. Therefore, the proposed text amendments to the Tigard Development Code will be reviewed under the Type IV legislative procedure as set forth in the chapter.

Tigard Development Code Chapter 18.390: Decision-Making Procedures

This chapter establishes standard decision-making procedures for reviewing applications. The amendment under consideration will be reviewed under the Type IV legislative procedure as detailed in the chapter. Section 18.390.060.G states that the recommendation by the Commission, and the decision by the Council, shall be based on consideration of the following

factors (reviewed above), including: 1) Statewide Planning Goals, 2) applicable federal or state statutes or regulations, 3) applicable Metro regulations, 4) applicable comprehensive plan policies, and 5) applicable provisions of the City's implementing ordinances.

CONCLUSION: Based on the analysis above, staff finds that the proposed amendment satisfies the applicable review criteria within the Tigard Community Development Code and recommends the Planning Commission forward this proposed amendment to the City Council with a recommendation for adoption.

APPLICABLE CITY OF TIGARD COMPREHENSIVE PLAN POLICIES:

A review of the comprehensive plan identified the following relevant policies for the proposed amendments:

Comprehensive Plan Policy 1.1.1: General Policies

This policy states that all future legislative changes shall be consistent with the Statewide Planning Goals and the Regional Plan adopted by Metro.

As indicated under the individual Statewide and Regional Plan goals applicable to this proposed amendment, the amendment is consistent with the Statewide Goals and the Regional Plan.

Comprehensive Plan Policies 2.1.1, 2.1.2, and 2.1.3.: Citizen Involvement

These policies state that the City shall maintain an ongoing citizen involvement program, provide opportunities for citizen involvement appropriate to the scale of the planning effort and that information on land use planning issues shall be available in understandable form for all interested citizens.

The Tigard Downtown Improvement Plan process was notable for its broad-based public involvement. A Task Force of 24 citizens was formed to guide the plan's development. The planning process incorporated high levels of citizen involvement, including community dialogues, workshops, open house, and a public survey. The May 2006 Tigard voters approved an Urban Renewal District for the area to finance the implementation of the plan.

In addition, the City Center Advisory Commission, a citizen committee, has reviewed and suggested changes that were incorporated into the proposed Comprehensive Plan Amendment.

This policy has also been met by publishing notice of the Planning Commission public hearing that was in the March 1, 2007 edition of the Tigard Times. Notice will be published again prior to the City Council public hearing. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the entire draft of the text changes could be viewed. Letters were sent to property owners in the Urban Renewal District and individuals on the interested parties list.

Comprehensive Plan Policy 3: Natural Features and Open Space

3.4 Natural Areas

These policies protect natural resources, including wetlands and fish and wildlife habitat. The proposed amendment satisfies Policies 3.4.1-3.4.2 because it strengthens protection for natural resources in the Urban Renewal District, particularly the Fanno Creek wetland and riparian area. Proposed Policy 11.2.1 states that natural resource functions and values will be integrated into Downtown urban design. Proposed Policy 11.2.3 states that Downtown development will be consistent with the need to restore and protect the natural areas of Fanno Creek Park.

3.5. Parks, Recreation, and Open Space

Policies

3.5.1 The City shall encourage private enterprise and intergovernmental agreements which will provide for open space, recreation lands, facilities, and preserve natural, scenic and historic areas in a manner consistent with the availability of resources.

The policy is satisfied by proposed Policy 11.2.2 which calls for the Fanno Creek Public Use Area adjacent to Fanno Creek Park to be a primary focus and catalyst for revitalization. This public area is envisioned to be a central gathering place for the community and to provide a recreation area for such activities as a farmers market and performances.

3.5.3 The City has designated the 100-year floodplain of Fanno Creek, its tributaries, and the Tualatin River as greenway, which will be the backbone of the open space system. Where landfill and/or development are within or adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area for greenway adjoining and within the floodplain.

The policy is satisfied by proposed Policy 11.2.3 which states that Downtown development will be consistent with the need to restore and protect the natural areas of Fanno Creek Park. Additionally, the TDIP calls for the expansion of the natural areas of Fanno Creek Park, by purchasing additional property in the floodplain.

3.5.4 The City shall provide an interconnected pedestrian/bike path throughout the City.

This policy is satisfied by proposed Policy 11.3.1, which states that the Downtown shall be served by a complete array of multi-modal transportation services including auto, transit, bike and pedestrian facilities. In addition, the TDIP calls for a "rail-to-trail" path to be created in present railroad right-of-way.

Comprehensive Plan Policy 5: Economy

5.3 The City shall improve and enhance the portions of the Central Business District as the focal point for commercial, high density residential, business, civic, and professional activity creating a diversified and economically viable core area

The TDIP seeks to improve and diversify Downtown Tigard's economic and employment mix. The proposed amendment includes Policy 11.1.2:

"The Downtown's land use plan shall provide for a mix of complementary land uses such as:

- a) Retail, restaurants, entertainment and personal services; b) Medium and high-density residential uses including rental and ownership housing; c) Civic functions (government offices, community services, public plazas, public transit centers, etc); d) Professional employment and related office uses; e) Natural Resource protection, open spaces and public parks."

This proposed policy is aimed at facilitating the development of an urban village, promoting the retention of existing businesses, and creating opportunities for new investment.

The proposal would also amend Comprehensive Plan Policy 5.5 to make it possible to allow complementary residential development throughout the Urban Renewal district. More housing and a variety of housing types will help create a vibrant and economically sound city core.

Comprehensive Plan Policy 6: Housing

6.1.1 The City shall provide an opportunity for a diversity of housing densities and residential types at various prices and rent levels.

This policy is satisfied because the proposed Comprehensive Plan Amendment includes Policy 11.1.6, which states that “New housing in the downtown shall provide for a range of housing types, including ownership, workforce and affordable housing in a high quality living environment.”

This policy is also satisfied by proposed amendment to Comprehensive Plan Policy 5.5. which would create the opportunity for complimentary residential development throughout the Urban Renewal district. The change will likely result in increased housing choices at a variety of rent and price levels.

Comprehensive Plan Policy 8: Transportation

8.1.2 Provide a balanced transportation system, incorporating all modes of transportation.

This policy is satisfied by the inclusion of these proposed Policies:

- 11.3.1 The Downtown shall be served by a complete array of multi-modal transportation services including auto, transit, bike and pedestrian facilities.
- 11.3.2 The Downtown shall be Tigard’s primary transit center for rail and bus transit service and supporting land uses.
- 11.3.3 The City, in conjunction with TriMet, shall plan for and manage transit user parking to ensure the Downtown is not dominated by “park and ride” activity.
- 11.3.4 Recognizing the critical transportation relationships between the Downtown and surrounding transportation system, especially bus and Commuter Rail, Highway 99W, Highway 217 and Interstate 5, the City shall address the Downtown’s transportation needs in its Transportation System Plan and identify relevant capital projects and transportation management efforts.
- 11.3.5 Streetscape and Public Area Design shall focus on creating a pedestrian friendly environment without the visual dominance by automobile-oriented uses.
- 11.3.6 The City shall require a sufficient but not excessive amount of parking to provide for Downtown land uses. Joint parking arrangements shall be encouraged.

Collectively these policies aim to develop comprehensive street and circulation improvements for pedestrians, automobiles, bicycles and transit. Projects such as the planned Downtown Commuter Rail station, and expanded sidewalk network and bike lanes will further increase transportation options.

Comprehensive Plan Policy 9: Energy

9.1.3 The City shall encourage land use development which emphasizes sound energy conservation, design, and construction.

The main goal of the TDIP is to create an urban village, which would result in an opportunity to live, shop, recreate, and work in a pedestrian-friendly environment. The envisioned place would allow residents to conserve energy by reducing their dependence on automobiles, as the area is presently well-served by transit. Future projects such as the planned Downtown Commuter Rail

station, expanded sidewalk network and bike lanes could further decrease reliance on the automobile.

Additionally the TDIP expresses a preference for sustainable practices in construction of new Downtown buildings and infrastructure. These proposed Action Measures would encourage this type of design:

- 11.C.7 Emphasize sustainable practices in street design through innovative landscaping and stormwater management and provision of multimodal infrastructure.
- 11.C.8 Encourage sustainability features in the design of Downtown buildings.

CONCLUSION: Based on the analysis above, staff finds that the proposed amendment satisfies the applicable policies contained in the City of Tigard Comprehensive Plan.

APPLICABLE METRO REGULATIONS:

Metro Functional Plan Title 6: Central City, Regional Centers, Town Centers and Station Communities

Requires local jurisdictions to adopt land use and transportation plans that are consistent with Metro guidelines for designated Town Centers.

The Metro 2040 Growth Concept and Framework Plan designates Downtown Tigard as a Town Center. Centers are defined as “compact, mixed-use neighborhoods of high-density housing, employment and retail that are pedestrian-oriented and well served by public transportation and roads.” The Tigard Downtown Improvement Plan fulfilled the requirement to adopt land use and transportation plans that are consistent with Metro guidelines for designated Town Centers.

The proposed Comprehensive Plan Amendment would institute the Tigard Downtown Improvement Plan’s goal of “creating a vibrant and active urban village at the heart of the community that is pedestrian-oriented, accessible by many modes of transportation, recognizes natural resources as an asset, and features a combination of uses that enable people to “live, work, play and shop in an environment that is uniquely Tigard.” The proposed Comprehensive Plan Amendment Policies and Actions Measures would enable the future adoption of code and policies to implement the goal.

CONCLUSION: Based on the analysis above, staff finds that the proposed amendment satisfies the applicable Metro regulations.

THE STATEWIDE PLANNING GOALS AND GUIDELINES ADOPTED UNDER OREGON REVISED STATUTES CHAPTER 197

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

This goal was met through the extensive public involvement in the Tigard Downtown Improvement Plan, which included a Task Force of 24 citizens, community dialogues, workshops, an open house, and a public survey. The City Center Advisory Commission, a citizen group, has reviewed and provided input to the proposed Comprehensive Plan Amendment.

This goal has also been met by complying with the Tigard Development Code notice requirements set forth in Chapter 18.390. Notice has been published in the Tigard Times newspaper prior to the public hearing. Two Public Hearings are being held (one before the Planning Commission and the second before the City Council) in which public input is welcome. In addition, letters were sent to property owners in the Urban Renewal District and individuals on the interested parties list.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.

The proposed amendment to the Tigard Comprehensive Plan is being processed as a Type IV procedure, which requires any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations, comprehensive plan policies, and City's implementing ordinances, be addressed as part of the decision-making process. Notice was provided to DLCD 45 days prior to the first scheduled public hearing as required. All applicable review criteria have been addressed within this staff report; therefore, the requirements of Goal 2 have been met.

Statewide Planning Goal 5 – Natural Resources

This goal requires the inventory and protection of natural resources, open spaces, historic areas and sites.

The proposed amendment is consistent with this goal because the proposed changes strengthen protection for natural resources in the Urban Renewal District, particularly the Fanno Creek wetland and riparian area. Proposed Policy 11.2.1 states that natural resource functions and values will be integrated into Downtown urban design. Proposed Policy 11.2.3 states that Downtown development will be consistent with the need to restore and protect the natural areas of Fanno Creek Park. Existing Goal 5 protections for natural resources in the Urban Renewal District will remain in place.

Statewide Planning Goal 8- Recreational Needs

This goal aims to provide for the siting of facilities for the recreational needs of the citizens of the state and visitors.

This goal is satisfied by proposed Policy 11.2.2, which calls for the Fanno Creek Public Use Area, adjacent to Fanno Creek Park to be a primary focus and catalyst for revitalization. This public area is envisioned to provide a range of recreation activities such as farmers markets and performances. This will become a central gathering place for the community and increase recreational opportunities for residents.

Statewide Planning Goal 9- Economic Development

This goal aims to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The proposed amendment includes Policy 11.1.2:

“The Downtown's land use plan shall provide for a mix of complementary land uses such as:

- a) Retail, restaurants, entertainment and personal services; b) Medium and high-density residential uses including rental and ownership housing; c) Civic functions (government offices, community services, public plazas, public transit centers, etc); d) Professional

employment and related office uses; e) Natural Resource protection, open spaces and public parks.”

This policy is consistent with Goal 9 as it is aimed at facilitating the development of a vibrant and economically sound city core. The TDIP calls for opportunities for new housing, commercial, and employment which would create a thriving urban village.

Statewide Planning Goal 10- Housing

This goal aims to provide adequate housing for the needs of the community, region and state.

One of the recommended catalyst projects in the TDIP is to increase the number of housing units in the Downtown. This could increase the number of potential patrons for Downtown businesses and potential riders of the new Commuter Rail line. The proposed Amendment includes Policy 11.1.6 which states:

“New housing in the downtown shall provide for a range of housing types, including ownership, workforce and affordable housing in a high quality living environment.”

The proposed amendment is consistent with Goal 10.

Statewide Planning Goal 12-Transportation

The goal aims to provide "a safe, convenient and economic transportation system."

The proposed Amendment satisfies this goal with the inclusion of several Policies to Develop Comprehensive Street and Circulation Improvements for Pedestrians, Automobiles, Bicycles and Transit including:

- 11.3.1 The Downtown shall be served by a complete array of multi-modal transportation services including auto, transit, bike and pedestrian facilities.
- 11.3.2 The Downtown shall be Tigard's primary transit center for rail and bus transit service and supporting land uses.
- 11.3.3 The City in conjunction with TriMet shall plan for and manage transit user parking to ensure the Downtown is not dominated by “park and ride” activity.
- 11.3.4 Recognizing the critical transportation relationships between the Downtown and surrounding transportation system, especially bus and Commuter Rail, Highway 99W, Highway 217 and Interstate 5, the City shall address the Downtown's transportation needs in its Transportation System Plan and identify relevant capital projects and transportation management efforts.
- 11.3.5 Streetscape and Public Area Design shall focus on creating a pedestrian friendly environment without the visual dominance by automobile-oriented uses.
- 11.3.6 The City shall require a sufficient but not excessive amount of parking to provide for Downtown land uses. Joint parking arrangements shall be encouraged.

These proposed Policies would improve the safety, efficiency and economy of the transportation system in the Downtown Urban Renewal District and expand access to transportation options.

CONCLUSION: Based on the analysis above, staff finds that the proposed amendment is consistent with the applicable Statewide Planning Goals.

SECTION VI. ADDITIONAL CITY STAFF COMMENTS

The City of Tigard's Building Division and Police Department, have had an opportunity to review this proposal and have no objections. The City of Tigard's Public Works had an opportunity to review this proposal and did not respond.

SECTION VII. OUTSIDE AGENCY COMMENTS

Oregon Department of Land Conservation and Development and Metro, were notified of the proposed amendments and did not respond.

Tualatin Valley Fire & Rescue, Tualatin Valley Water District, and Cleanwater Services were notified of the proposed amendments and did not respond.

SECTION VIII. CONCLUSION

The Tigard Downtown Improvement Plan was the result of extensive public involvement. In order to implement the Plan, changes are needed to the Tigard Comprehensive Plan and the Development Code including new zoning and design standards. The proposed Comprehensive Plan Amendment would provide the "legislative foundation" to accomplish this.

The proposed changes comply with the applicable Statewide Planning Goals, Metro regulations, the Tigard Comprehensive Plan, and applicable provisions of the City's implementing ordinances.

Therefore, Staff recommends that the Planning Commission recommend approval of the Comprehensive Plan Amendment to the Tigard City Council as determined through the public hearing process.

ATTACHMENT:

EXHIBIT A: PROPOSED AMENDMENTS TO THE TIGARD COMPREHENSIVE PLAN.

PREPARED BY: Sean Farrelly
Associate Planner

March 7, 2007
DATE

APPROVED BY: Ron Bunch
Planning Manager

March 7, 2007
DATE

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
March 19, 2007**

1. CALL TO ORDER

President Inman called the meeting to order at 7:00 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

2. ROLL CALL

Commissioners Present: President Inman; Commissioners Anderson, Caffall, Doherty, and Walsh

Commissioners Absent: Commissioner Vermilyea

Staff Present: Ron Bunch, Long Range Planning Manager; Sean Farrelly, Associate Planner; Jerree Lewis, Planning Commission Secretary

3. PLANNING COMMISSION COMMUNICATIONS AND COMMITTEE REPORTS

Planning Manager Ron Bunch reported that the Tree Board met on March 7th to discuss its proposed charge statement to develop a tree protection program. The program is intended to look at trees in a larger context rather than as street trees or trees in development property. The Tree Board also reviewed the Costco tree planting plan. Costco had been conditioned to have 35% tree coverage in their parking lot. They came back with a tree planting plan that they would like to try to meet the standards.

The secretary reported that the new Commissioners will be appointed by Council on March 27th.

4. APPROVE MEETING MINUTES

It was moved and seconded to approve the February 26, 2007 meeting minutes as submitted. The motion passed by a vote of 3-0. Commissioners Caffall and Walsh abstained.

It was moved and seconded to approve the March 5, 2007 meeting minutes as submitted. The motion passed by a vote of 4-0. President Inman abstained.

**5.1 COMPREHENSIVE PLAN AMENDMENT (CPA) 2006-00002
PROPOSED COMPREHENSIVE PLAN AMENDMENT TO UPDATE
DOWNTOWN GOALS, POLICIES AND ACTION MEASURES**

REQUEST: The proposed amendment to Chapter 11 of the Tigard Comprehensive Plan would update the Goals, Policies, and Action Measures to reflect the Tigard Downtown Improvement Plan's vision of a pedestrian- oriented, mixed use Town Center in the Downtown Urban Renewal District. The complete text of the proposed Code Amendment can be viewed at http://www.tigard-or.gov/code_amendments.

LOCATION: Tigard Urban Renewal District. **ZONE:** CBD, C-G, C-P, R-4.5, R-12 (PD), R-25. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Policies 1, 2, 3, 5, 6 and 11, Metro Functional Plan Title 6, and Statewide Planning Goals 1, 2, 5, 10, and 12.

STAFF REPORT

Associate Planner Sean Farrelly gave a PowerPoint presentation (Exhibit A) for the proposed amendment for an update of Downtown goals, policies, and action measures to implement the Tigard Downtown Improvement Plan (TDIP). He advised that the amendment would not change the Development Code. It lays the groundwork for future changes; any specific development code changes will be subject to further public hearings.

Farrelly noted that with the new format, action measures will replace the current implementation strategies in the Comprehensive Plan. This particular amendment is needed to implement the Tigard Downtown Improvement Plan. The current land use in the Comp Plan that deals with the Downtown is inadequate. Section 11, Special Areas of Concern that deals with the Downtown, treats it primarily as a shopping area. This amendment will reflect the multi-functional role of the Downtown. Another part of the Comp Plan that needs to be changed is Economy Policy 5.5 which restricts residential development above the first floor.

Farrelly reviewed the goals of the TDIP. He advised that most of the language for this proposed amendment was taken from the TDIP. The policies and action measures are organized into 3 categories: Facilitate the development of an urban village; Develop and improve the open space system and integrate natural features; and Develop comprehensive street and circulation improvements for pedestrians, automobiles, bicycles, and transit. This amendment would apply only to the Downtown Urban Renewal Area.

Staff reviewed the proposed amendment against the applicable criteria and found it to be consistent with present Comp Plan policies and Development Code policies. The amendment is also consistent with applicable Metro requirements and all applicable Statewide Goals. Staff recommends that the Planning Commission recommend approval of the amendment to City Council.

President Inman asked about the new action measure 11.A.2. She asked if Tigard was actually pursuing form based code (FBC). Farrelly advised that this action measure would only pursue FBC in ways that are consistent with Oregon Land Use Law. We might not

adopt FBC, but we may use some of the principles in the eventual new development code. This action measure allows us the opportunity, but does not require that we use FBC.

Vice-President Walsh asked for clarification that the Commission was being asked to approve only a change to the Comprehensive Plan adopting the format and structure of the proposed Comp Plan that the Commission will see later. This one section is being approved ahead of time; it will be put in place of the existing section of the Comp Plan and nothing more. Farrelly concurred, saying that this starts the process to allow for further changes and gets the process moving along. It does not change existing Development Code regulations or land use laws. Before changes to the Development Code happen, there will be more outreach to property owners and stakeholders.

PUBLIC TESTIMONY – IN FAVOR

John Frewing, 7110 SW Lola Lane, Tigard 97223 commended staff and the Downtown Task Force for developing this portion of the Comprehensive Plan. He is concerned about the explanation for form based code, saying that the language states, "The City will utilize form based design where consistent with the State regulations." It doesn't say may use it. He would like to endorse the language as written. He disagrees that this section is outside the Comp Plan. It is Section 11 of the Comp Plan; it is the Comp Plan. This is the first piece of the Comp Plan to come before the Planning Commission and City Council for adoption. He wants to get it right the first time. In that effort, he has a list of issues that he brought up (Exhibit B). He asked that the Commission to continue the hearing so that these matters can be addressed.

Mike Swanda, 13285 SW Village Glenn Drive, Tigard 97223, testified that he owns and operates My Time Beads at 12200 SW Main Street. He thinks the TDIP is a wonderful goal. He had one comment about Section 11.1.3 which states, "The City shall not permit new land uses such as warehousing; auto-dependent uses; industrial manufacturing; and industrial services uses that would detract from the goal of a vibrant urban village." He would like to see more clarification for the term "auto-dependent" uses. He asked what the term meant.

Jonae Armstrong, 16333 SW Stahl Dr., Tigard 97223, Tigard testified that she works at Washington Square. She has been watching this process and urged the Commission to continue the approval process to go on to City Council. She believes it is important to focus on the Downtown and offered her encouragement.

Lisa Olson, 14720 SW Cabernet Ct., Tigard 97224, advised that she was a member of the Downtown Tigard Task Force, was the chair for the Streetscape work group, and will be on the steering committee for the Fanno Creek Master Plan. She encouraged the Commission to continue to look at keeping the community involved in this process and to encourage City staff to involve community members. There is a large number of people who have been working on this and understand what's going on. She would like the City to utilize the

resources available in community members to continue to have the community involved in the process every step of the way.

Phil Yount, 11222 SW Cottonwood Lane, Tigard 97223, stated that he was undecided about the amendment. He has been an interested observer and an occasional participant in some of the surveys and task force hearings, so he is aware of what's going on. He supports the TDIP proposal in general. He was impressed with John Frewing's testimony. While he encourages the Commission to proceed with the process, he urged them to look carefully at Mr. Frewing's critique. What we do needs to be done right.

Mike Stevenson testified that he owns a business at 9040 SW Burnham Street, Tigard 97223. He has been involved with the Downtown Task Force since the beginning and is happy with the progression. The TDIP affects him personally because he owns a large piece of property in the Downtown. He has concerns about Section 11.1.3 to not permit any new land uses, such as warehousing, auto-dependent uses, etc. If this process is going to take 20-25 years, he will be put in a "no-man's position" as far as expanding his business is concerned. Section 11.1.4 states that existing nonconforming uses shall be allowed to continue, subject to a threshold of allowed expansion. He wonders what this means and he is concerned about what we will do with existing businesses.

Mr. Stevenson has another thought about the staff report, under 3.5.3 – "The City has designated the 100-year floodplain ... Where landfill and/or development are within or adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area for greenway adjoining and within the floodplain." Does that mean he will be required to give open land to the City? He asked for clarification on this. Staff answered that this code section is an existing policy. If he wanted to do some development, would he be required to donate some land? Staff advised that currently in the Tigard Development Code, there are specific standards that require protection and preservation of the floodplain. This was quoted in the staff report to show how the proposal is consistent with the existing Plan. The City cannot essentially exact property for dedication. Since this existing this policy is probably 23 years old, it may be out of date. However, it is the criteria we have to use now to judge the current proposal to make sure it's consistent with existing policy.

The entire Comprehensive Plan will be updated, including the Natural Resources section. We have to work with the Comp Plan we have now. Mr. Stevenson will be subject to the policy as it exists currently. It may very well be amended in the future, but the existing policies had to be used as a tool to judge whether the new proposal meet the requirements of the existing Plan. President Inman noted that this is in a different chapter which will be reviewed at a later time.

PUBLIC TESTIMONY – IN OPPOSITION

None

REBUTTAL

Planning Manager Ron Bunch responded to Mr. Frewing's concerns. He noted that what Mr. Frewing spoke to, to a great deal, was the entire Comprehensive Plan, e.g., Goal 9 Economic Development; Goal 10 Housing; Goal 11 Public Facilities and Services; Goal 6 Areas Subject to Natural Hazards. This proposal is just one small part of the Comprehensive Plan. For example, in the Goal 9 Economic Development Rule that was quoted, in the Comprehensive Plan, there's a separate chapter that addresses Goal 9. The Industrial Lands Inventory, Analysis of Available Lands, Buildable Lands Inventory, etc., take place in the context of that particular section of the Comp Plan. This proposal is looking at a specific district – the Downtown. These tools (goals, policies, action measures) are needed to start having the broad community dialog to begin to implement the Urban Renewal District. The sections of ORS 197 that Mr. Frewing spoke to are out of context for this particular hearing.

Regarding the process, the TDIP is a study that was accepted, but not adopted. Mr. Frewing referenced the need to have facts that are relevant and recent. This application was coordinated with the Department of Land Conservation and Development (DLCD). DLCD found the proposal to be in compliance with the Statewide Planning Goals and the Administrative Rules. Regarding the facts, Bunch advised that this is a legislative hearing; we are obligated to look at the facts according to specific criteria in the Comp Plan and other criteria. Staff reviewed the criteria and found that the proposal complies with all the applicable criteria. As a legislative amendment, essentially the City Council can determine what facts it wishes to rely upon. The facts that we consider relevant are the ones we have on hand – we can't constantly go back and get new facts and refer to them. We have to begin the process and stop it at some time.

Regarding zoning classifications and mapping, this hearing is about creating the tools – goals, policies, and action measures. In referencing the maps, there are discrepancies in the TDIP and in the Community Development Code and in the Urban Renewal District. This proposal is just to establish the goals, policies, and action measures. This proposal only applies to the Urban Renewal District.

Regarding the moving target of the floodplain, where the landuse designation should be, etc., those are refinements that will be built from the goals, policies, and action measures. The public amenities associated with the Plan are part of the development regulations that will come later. We need to have the tools first before we can build development regulations. When we amend the Development Code, we will use the tools to judge the Development Code Amendment – does it or does it not comply with the Comprehensive Plan.

Regarding comments about the interrelated use of land, ORS 197, these comments apply to the whole Comprehensive Plan. Each element does not have to be judged against that, but when we have the whole Comp Plan put together in one document, we'll have the whole range of issues within which to judge. We have to look at whole plan, not just one part.

These goals, policies, and action measures will provide the legislative basis by which we can develop a Transportation System Plan refinement that can be adopted as part of the TSP. We will get there using these tools.

A pre-application was done. The papers are in the file.

A key item for staff was coordinating this with DLCD, Metro, ODOT, Trimet, and LCDC. We have not received any comments against the proposal.

The Planning Commissioners asked the following questions:

- Section 11.1.3 says it shall not permit new land uses, such as warehousing, etc. What is an example of an auto-dependent use business? *Staff responded that new drive-thru businesses would be an example. The proposal does not prohibit people from driving Downtown. Will this affect current businesses? Existing drive-thru businesses would be grandfathered in as non-conforming uses. It would protect the current business, but would not allow for expansion of the non-conforming business. The current non-conforming use standards that apply to the whole City allow 20% expansion. Specific code language for Downtown non-conforming businesses will need to be discussed.*
- Staff explained that the current non-conforming use standard allows existing non-conforming businesses to be grandfathered in and allowed to continue, subject to certain restrictions. If the non-conforming use is discontinued for more than 6 months, it would not be permitted to come back. The new business would have to conform to current applicable zoning standards. Staff believes that in the CBD zone, there are several properties that have been exempted from that requirement. Business owners were encouraged to work with staff on these issues. Staff noted that the current CBD zoning does not allow industrial uses. All existing industrial businesses in the Downtown are considered non-conforming and allowed to continue, subject to certain restrictions. When we begin to develop the Code, we will determine the specifics on how to deal with non-conforming uses in the Downtown.
- The Commission suggested doing an outreach to business owners that own non-conforming businesses in the Downtown. *Staff answered that the Code development phase will include that type of outreach.*
- Under 11.1.3, would the Fanno Creek Microbrewery be allowed or not allowed? *Staff answered that this is considered an eating establishment and would be an allowed use. Producing the microbrew would be considered auxiliary to the eating and drinking function.*
- Staff advised that industrial services provide services to manufacturing, warehousing, construction, etc., that are necessary to keep those services going. Some examples are janitorial services, machinery repair and refurbishing, and repair of lumber equipment. In some codes, it includes fleet operations to maintain trucking fleets and equipment. It varies by region.
- Has staff talked to people involved in a performing arts center or a farmers' market? Broadway Rose Theatre is now beginning a capital improvement project to have their own performing arts center. *Staff noted that farmers' market people are aware of the plans. The performing arts center is a catalyst project that is more long range projects, maybe 10-15 years*

out. Commissioner Dougherty suggested involving more than just the Downtown boundaries in the discussion. Ron Bunch noted that these specific activities are considered action measures, which fall into placeholder categories for implementation. The statements which have real legislative intent are the goals and policies; action measures are things that we would like to implement and that we could use as a gauge or measurement to see how we're doing. For example, if Broadway Rose finds another place, perhaps we should consider another kind of performing arts in the Downtown.

- The Commission suggested adding a definitions section. *Staff answered that the Plan will have a definitions section that will also include a list of acronyms.*
- President Inman said she thinks the language on the form based code principles reads fairly strong. She would like the language to state that it gives us the opportunity to utilize form based code, but not state that we will utilize it. The Commission likes the wording, "Consider utilizing form based codes."

PUBLIC HEARING CLOSED

President Inman feels good with the modification of 11.A.2 to say "consider" rather than "utilize" form based code. She hopes that the Commission gets the same participation when these issues come back so nothing will be dropped when we get to the implementation phase.

Commissioner Walsh thinks it's a great start, the structure works, the language is supported.

Commissioner Anderson noted that these tools can help with other committees and community involvement. He likes the language and the definition sheets. He supports the proposal.

Commissioner Dougherty would like staff to seriously consider the comments that Mr. Frewing made. She thinks there should be definitions to prevent confusion and misunderstandings down the road. She agrees with President Inman on the dealing with the verbiage of form based code.

Commissioner Walsh moved to recommend approval to City Council of Comprehensive Plan Amendment (CPA) 2006-00002, Proposed Comprehensive Plan Amendment to update Downtown Goals, Policies and Action Measures, with the change to 11.A.2 to change the language to add "consider utilizing form based codes" in place of what is there, based on the staff report as presented and testimony given. Commissioner Anderson seconded the motion. The motion passed unanimously.

6. OTHER BUSINESS

Staff advised that there will be a meeting with Council on April 17th to discuss Planning Commission liaison duties. It was suggested that maybe Planning Commissioners and members of other committees could alternate attending each other's meetings. It was also suggested that staff might take a bigger role in information sharing.

The Commissioners discussed the Form Based Code subcommittee. It was noted that form based code may be beneficial to the City and that having a subcommittee to review examples from other cities and make a recommendation is a good idea, however the committee needs parameters and a set timeline. Members of the CCAC and the Planning Commission feel they need more information before they can make a decision about form based code. Ron Bunch stated that the important thing for staff is that we're burning time; we need to move this along. Council would like to have a worksession in May about urban design in the Downtown. There will be a yes-no decision by Council soon.

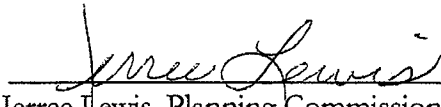
Bunch advised that staff has been directed to get a clear representation of what the future Downtown will look like in architectural form, block size, transportation, etc. Once we have that, we can then work backward to determine the kind of code we need to achieve that model. There are some codes and standards that can be done no matter what method we use. Staff can begin now to get an idea of what the Downtown will look like. Staff will take the leadership to put together information and work with the City Manager and Council to educate them so they can help make a decision. The subcommittee can provide an endorsement.

It was decided that the subcommittee could meet before regularly scheduled Planning Commission meetings beginning on April 2nd. Commissioners Inman and Anderson agreed to serve on the committee.


Commissioner Walsh suggested having a short meeting prior to the public hearing on April 2nd to meet the new Commissioners and talk about the meeting process.

7. ADJOURNMENT

The meeting adjourned at 8:59 p.m.

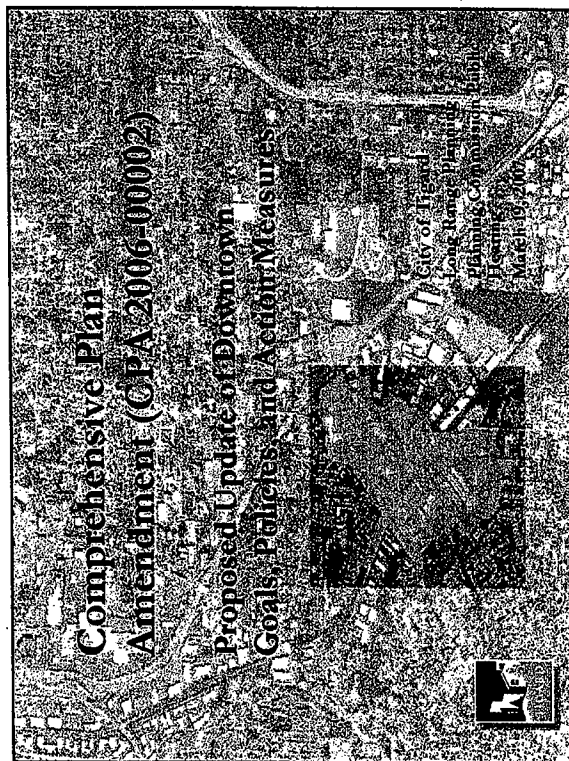


Jerree Lewis, Planning Commission Secretary




ATTEST: President Jodie Inman

Ex-A

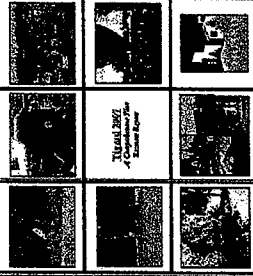


Comprehensive Plan Amendment



2027

- Comprehensive Plan will be completely updated in the next year.
- This Amendment is a precursor to the eventual format of the eventual updated Comp Plan.

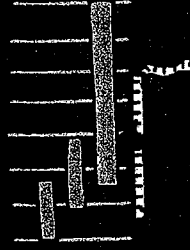


Comprehensive Plan New Format:

- *Findings* are the written statements of relevant facts that are the basis for the Goals, Policies, and Action Measures.
- *Goals* are the broad-based statement of the community's desires.
- *Policies* are general statements intended to guide the City now and in the future. They provide general legislative direction and are the foundation for the City's land use, codes, and standards.

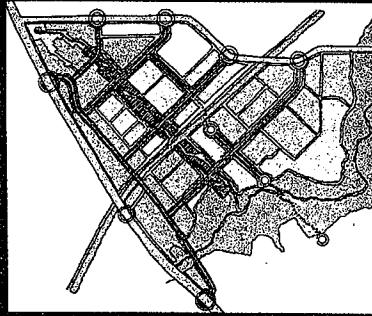
Comprehensive Plan New Format:

- *Action Measures* are more specific short and medium term actions that will implement the Goals and Policies. They can be evaluated on a regular basis, to check on their progress.



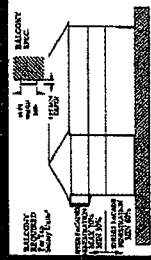
Why is the Comprehensive Plan Amendment Needed?

- In order to implement the Tigard Downtown Improvement Plan, it is necessary to amend the Comprehensive Plan, *Special Areas of Concern* Section 11.1 (Central Business District) and *Economy* Policy 5.5.



Why is the Comprehensive Plan Amendment Needed?

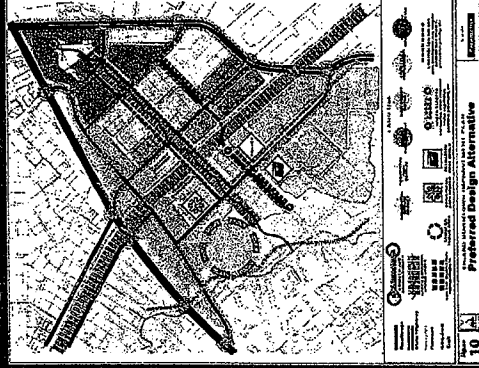
- It would provide the legislative basis to make future amendments to the Development Code (including new land use and design regulations.)



Current Comprehensive Plan

- Current language is insufficient.
- *Special Areas of Concern* Section 11.1 outdated- primarily focuses on Downtown as a shopping area.
- *Economy* Policy 5.5 recommends residential development only above the first floor.

Tigard Downtown Improvement Plan



- Sept. 2005: Downtown Plan adopted
- Dec. 2005: Urban Renewal Plan (to implement TDIP) approved
- May 2006: Tax Increment Financing Ballot Measure approved by voters

Tigard Downtown Improvement Plan

A citizen-driven plan with the goal of creating:

“a vibrant and active urban village at the heart of the community that is pedestrian-oriented, accessible by many modes of transportation, recognizes and uses natural resources as an asset, and features a combination of uses that enable people to live, work, play and shop in an environment that is uniquely Tigard.”

The TDIP is the “resource report” for the Comprehensive Plan Amendment.

TDIP Citizen Involvement

- Downtown Task Force (24 members) held Community Dialogs, Neighborhood Meetings, Open House, Survey
- Over 1300 people reached by citizen volunteers
- The City of Tigard was awarded the 2005 Good Governance Award by the League of Oregon Cities for the TDIP citizen planning effort.



TDIP and Proposed Goals, Policies, and Action Measures

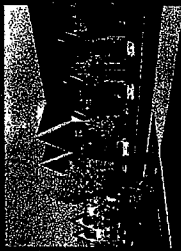
Most amendment language taken directly from the
TDIP.

Goal: identical to the TDIP's goal.

Policies and Action Measures fall under three
categories in Section 11.

TDIP and Proposed Goals, Policies, and Action Measures

- 11.1 Facilitate the Development of an
Urban Village
7 Policies and 8 Action Measures



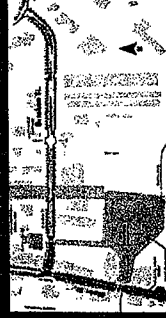
TDIP and Proposed Goals, Policies, and Action Measures

- o 11.2 Develop and Improve the Open Space System and Integrate Natural Features
3 Policies and 4 Action Measures



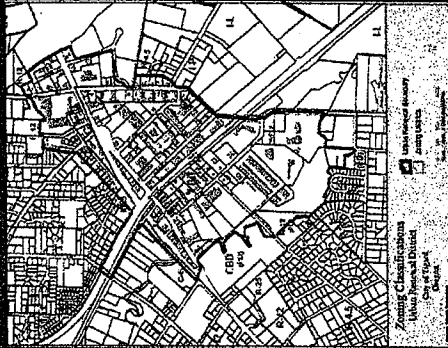
TDIP and Proposed Goals, Policies, and Action Measures

- o 11.3 Develop Comprehensive Street and Circulation Improvements for Pedestrians, Automobiles, Bicycles, and Transit
6 Policies and 10 Action Measures



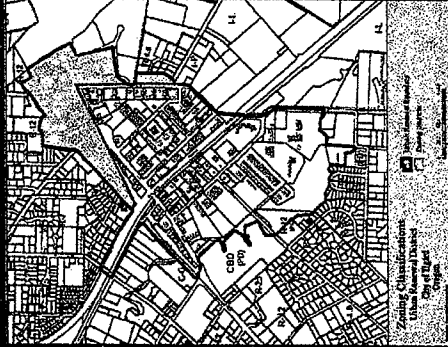
Downtown Urban Renewal District

- Slightly larger area than the CBD zone and the original Downtown Plan Area.
- CPA would apply to this 193 acre area



Downtown Urban Renewal District

- Slightly larger area than the CBD zone and the original Downtown Plan Area.
- CPA would apply to this 193 acre area



Proposed Goals, Policies, and Action Measures :
Applicable Tigard Criteria

- Tigard Community Development Code
 - Chapter 18.380
 - Chapter 18.390
- Applicable Tigard Comprehensive Plan Policies
 - 1. General policies
 - 2. Citizen Involvement
 - 3. Natural Features and Open Space
 - 5. Economy
 - 6. Housing
 - 8. Transportation
 - 9. Energy

Proposed Goals, Policies, and Action Measures:
Applicable State and Regional Criteria

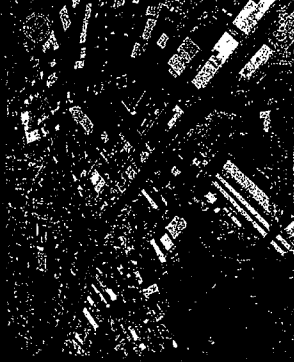
- Applicable Metro Standards
 - Title 6 (Town Centers)
- Statewide Planning Goals
 - 1. Citizen Involvement
 - 2. Land Use Planning
 - 5. Natural Resources
 - 8. Recreational needs
 - 9. Economic Development
 - 10. Housing
 - 12. Transportation

Conclusion

The proposed Goals, Policies, and Action measure are consistent with the applicable Tigard, Metro, and State regulations and goals.

Recommendation

That the Planning Commission recommend approval to the Tigard City Council to amend the Tigard Comprehensive Plan to replace Section 11.1 and amend Policy 5.5 as determined through the public hearing process.



COMPREHENSIVE PLAN AMENDMENT TIGARD DOWNTOWN GOALS, POLICIES AND ACTION MEASURES

Comments of John Frewing 3/19/07 before the Tigard Planning Commission

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2 The 'Background' and 'Findings' of the proposed comp plan amendment mention respectively the TDIP and current zoning classifications for downtown Tigard, but the 'Policies' of the proposed comp plan amendment do not identify or reference zoning classifications which are conclusions in the TDIP. Thus, there is no change in zoning made by this comp plan amendment.

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13 Note to review: Does the record of the pre-app meeting and application itself meet the requirements of Tigard CDC 18.380 and 18.390??



MEMORANDUM

TO: Tigard City Council

FROM: Sean Farrelly, Associate Planner

RE: Comprehensive Plan Amendment (CPA-2006-00002)
March 19, 2007 Planning Commission Public Hearing Comments

DATE: March 29, 2007

At the March 19, 2007 Planning Commission Public Hearing a number of citizens gave public testimony in favor of the Amendment. Two of the speakers, Mike Stevenson and John Frewing, raised issues that will be addressed in this memo.

Nonconforming Uses

Mike Stevenson, a downtown property owner, raised a concern about the future of nonconforming uses under the new zoning that will be adopted.

Response:

This Comprehensive Plan Amendment contains Policy 11.1.4 which states "Existing nonconforming uses shall be allowed to continue, subject to a threshold of allowed expansion."

How to specifically treat nonconforming uses will be a major issue in the Development Code amendment process. Staff will work with stakeholders to develop acceptable regulations. An important point to consider is that many of the existing industrial and automotive repair uses in the Downtown are presently nonconforming uses. They became nonconforming when the zoning was last changed (to CBD) in 1983.

Process and Procedural Issues

John Frewing raised thirteen points (included as Exhibit B) regarding the Comprehensive Plan Amendment. Staff rebutted many of these points at the public hearing. Most of the points refer to processes set up to update entire Comprehensive Plans, rather than a "Post-Acknowledgement Plan Amendment" which amends a portion of an existing plan (as this one does). The City provided the required 45-day notice to the Department of Land Conservation and Development, and received no

comment from them. If the agency had concerns with the proposed amendment, they would have provided comment to the City.

Here is a rebuttal of each of Mr. Frewing's points. Mr. Frewing's comments are numbered and staff response follows:

1 Most of the data relied upon is 3 to 6 years old. Much more recent data is available and should be used in a revised comp plan amendment for downtown.

Response:

All of the reports in the appendices of Tigard Downtown Improvement Plan are dated 2004 and 2005 and relied on contemporaneous data. It is unlikely that conditions in Downtown Tigard have changed to any significant degree in the past two to three years. The only data that appears to be six years old is the Census data (the latest data is from 2000) and Metro's Regional Transportation Plan completed in 2000 (currently being updated).

2 The 'Background' and 'Findings' of the proposed comp plan amendment mention respectively the TDIP and current zoning classifications for downtown Tigard, but the 'Policies' of the proposed comp plan amendment do not identify or reference zoning classifications which are conclusions in the TDIP. Thus, there is no change in zoning made by this comp plan amendment.

Response:

The intention of this Comprehensive Plan Amendment is to change the Goals, Policies, and Action Measures to implement the TDIP. It will provide the legislative foundation to adopt the specific zoning and other land use regulations that are called for in the TDIP. After this Comprehensive Plan Amendment is adopted, the next stage will be to amend the Development Code to define and map specific new zoning districts. Comprehensive Plan Amendments do not, in and of themselves, change the zoning of properties.

3 State rules require that decisions of the Commission and Council be based on fact. The proposed comp plan amendment does not include any facts which define the need and circumstances of the comp plan change. At least some such facts appear to be included in the TDIP and the more recently adopted Urban Renewal Plan, but are not part of the proposed changes. In the current comp plan, such facts are provided as Volume 1, Resources. The facts supporting the proposed changes should be identified and adopted as part of the comp plan change.

Response:

The TDIP, in its entirety, contains extensive factual information that is the result of extensive research and technical analysis. The Comprehensive Plan Amendment takes its language directly from the TDIP. The TDIP will serve as the Volume 1 Resource document.

In addition, as a legislative amendment, the City Council can determine what the relevant facts are to base its decision on. The Planning Commission has recommended adoption based on the findings (facts) and the conclusions in the staff report.

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Response:

The cover page of the staff report and elsewhere in the application identifies the Tigard Downtown Urban Renewal District as the location of the Comprehensive Plan Amendment. Included in this application is the map of the Urban Renewal District, which has been legally and specifically defined in the Urban Renewal Plan.

As for the floodplain issue, Tigard relies on the most current FEMA floodplains to administer its code. Any previous maps referred to in the TDIP are not pertinent.

6 The proposed comp plan amendment, including its purported factual base (TDIP, 9/27/05), seems to fall far short of the state requirements (ORS 197.015, ORS 227.170) that it “interrelates all functional and natural systems and activities relating to use of lands including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities and natural resources and air and water quality management systems” and be “based on factual information, including adopted comprehensive plans.” Of these minimum scope requirements, transportation systems have been discussed the most, but in the TDIP and proposed comp plan amendments, none of the other systems/activities have been discussed in substance. For example, the entire discussion of the natural resources is to state that Fanno Creek originates near Wilson High School and drains to the Tualatin River, with diverse wildlife species. There is no discussion of trends in wildlife counts, invasive species, water pollution, air pollution, noise impacts of development, etc. There is no mention of the required CWS buffer zone around riparian and wetland areas which is likely to impact vision statements of a central gathering place near Fanno Creek (ie it must be moved away from the stream further than shown on drawings). There is no discussion of the small stream which will be the focus of the Green

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Response:

This Comprehensive Plan Amendment is being adopted under the “post-acknowledgement plan amendment process” outlined in ORS 197.610. DLCD was sent a copy of the proposed amendment 45 days in advance of the hearing and has not indicated any problems. Under 197.610, it is not necessary to “interrelate all functional and natural systems and activities.” The update of the entire Comprehensive Plan will follow this requirement.

The Green/Corridor Urban Creek as described in TDIP would be a man-made feature. The feasibility and scope of this proposed project will be determined as part

of the Downtown Urban Design Plan. A comprehensive plan would not be the appropriate forum to describe the details of this potential project.

7 To the extent that the TDIP appendices provide the basis for future modification of related local plans, eg Community Development Code, TSP, they should be qualified to indicate that they do NOT reflect any community plan for action, by any city body. For example, Figure 1 of Appendix C (Kittleston, 10/24/04) shows a 'planned sidewalk' for a non-existent Wall Street extension, east of the current Tigard library – not only is this outside of any definition of downtown, but it is not supported by any pedestrian traffic studies. Similarly, the proposed bike facilities of Figure 2 are a disjointed collection of routes not supported by any study or discussion with interested citizen groups.

Response:

City Council resolution 05-62 accepted the findings and recommendations of the TDIP, as well as the associated TDIP documents. Council directed staff to use the Plan's goals, objectives, and recommended actions as a guide for future programming of Downtown improvements. However if an appendix document within the TDIP is contradicted by another adopted Plan, the adopted Plan would take precedence.

ECONOMIC DEVELOPMENT

8 OAR 660-009-0015 has requirements that are effective as of 1/1/07 and appear not to have been met in this comp plan update. See for reference, OAR 660-009-0015 (6). For example, 0015(1) requires the plan to "identify the major categories of industrial or other employment uses that could reasonably be expected to locate or expand in the planning area . . .". In the present comp plan proposal, only real estate trends have been analyzed as distinguished from types of employment, eg by SIC code.

9 OAR -0020 (1)(b) requires the city to adopt a policy "stating that a COMPETITIVE supply of land as a community economic development for the industrial and other employment uses selected through the economic opportunities analysis" (full cap emphasis added my me). This does not exist in the proposed comp plan amendment and must be added to comply with state rules.

Response:

The regulations regarding economic development refer to Comprehensive Plans covering an entire jurisdiction, not a post-acknowledgement plan amendment such as this. The Comprehensive Plan, currently being updated, will address the entire City-wide Economic Development issues. The Economy chapter will include supply and demand of industrial and employment land, and related issues.

HOUSING

10 The proposed comp plan change to Policy 5.5 regarding allowance of housing makes reference to a 'Commercial Professional District' that is not one of the zoning districts outlined in the TDIP (Paramatrix, August 05, Technical Memorandum, pp 12-14 and associated zoning map). Thus, it is impossible to determine the comp plan's housing for downtown. Inconsistency #1: In this same comp plan change, MUE multifamily housing is encouraged to develop at R-40 densities, while in the TDIP noted above, MUE multifamily housing is limited to R-25 densities. The inconsistency should be resolved. Inconsistency #2: The proposed comp plan change for Policy 5.5 refers to MUC-1 district, a designation not included on the recommended zoning map of the TDIP. This reference to MUC-1 calls for housing between a minimum of 25 units/acre to 50 units/acre, but excludes from these density limits housing developed above non-residential uses. In the TDIP, multifamily housing in the MUC district is ONLY allowed above non-residential uses and is required to comply with the R-40 standards and density. The inconsistency should be resolved.

Response:

Policy 5.5 provides policy specifying where complementary residential development shall be allowed in some commercial zones all around the city. It does not only apply to the Downtown. Policy 5.5 needed to be amended to allow complementary housing in all zones of the Urban Renewal District, (not only above the second floor as the Policy currently states).

The zoning matters referred to by Mr. Frewing as "inconsistencies" actually are not related to the Downtown. The zones referred to are existing mixed used zones throughout the City. At any rate, this Comprehensive Plan Amendment is not instituting new zoning designations, but setting the legislative ground work to make future changes.

11 A Buildable Lands Inventory is not provided for the downtown area as required by OAR 660-007-0045 (1). This should be provided to comply with state rules.

Response:

A Buildable Lands Inventory (BLI) is available on the City's website and up to date as of January 1, 2007. It is not necessary to include the BLI with this post-acknowledgement Comprehensive Plan Amendment.

13 Note to review: Does the record of the pre-app meeting and application itself meet the requirements of Tigard CDC 18.380 and 18.390??

Response:

All applicable procedures for City-initiated Type IV Amendments have been followed and meet the requirements of 18.380 and 18.390.

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This Comprehensive Plan Amendment is being adopted under the “post-acknowledgement plan amendment process” outlined in ORS 197.610. DLCD was sent a copy of the proposed amendment 45 days in advance of the hearing and has not indicated any problems. Under 197.610, it is not necessary to “interrelate all functional and natural systems and activities.” The update of the entire Comprehensive Plan will follow this requirement.

The Green/Corridor Urban Creek as described in TDIP would be a man-made feature. The feasibility and scope of this proposed project will be determined as part

of the Downtown Urban Design Plan. A comprehensive plan would not be the appropriate forum to describe the details of this potential project.

7 To the extent that the TDIP appendices provide the basis for future modification of related local plans, eg Community Development Code, TSP, they should be qualified to indicate that they do NOT reflect any community plan for action, by any city body. For example, Figure 1 of Appendix C (Kittleson, 10/24/04) shows a 'planned sidewalk' for a non-existent Wall Street extension, east of the current Tigard library – not only is this outside of any definition of downtown, but it is not supported by any pedestrian traffic studies. Similarly, the proposed bike facilities of Figure 2 are a disjointed collection of routes not supported by any study or discussion with interested citizen groups.

Response:

City Council resolution 05-62 accepted the findings and recommendations of the TDIP, as well as the associated TDIP documents. Council directed staff to use the Plan's goals, objectives, and recommended actions as a guide for future programming of Downtown improvements. However if an appendix document within the TDIP is contradicted by another adopted Plan, the adopted Plan would take precedence.

ECONOMIC DEVELOPMENT

8 OAR 660-009-0015 has requirements that are effective as of 1/1/07 and appear not to have been met in this comp plan update. See for reference, OAR 660-009-0015 (6). For example, 0015(1) requires the plan to "identify the major categories of industrial or other employment uses that could reasonably be expected to locate or expand in the planning area . . .". In the present comp plan proposal, only real estate trends have been analyzed as distinguished from types of employment, eg by SIC code.

9 OAR -0020 (1)(b) requires the city to adopt a policy "stating that a COMPETITIVE supply of land as a community economic development for the industrial and other employment uses selected through the economic opportunities analysis . . ." (full cap emphasis added my me). This does not exist in the proposed comp plan amendment and must be added to comply with state rules.

Response:

The regulations regarding economic development refer to Comprehensive Plans covering an entire jurisdiction, not a post-acknowledgement plan amendment such as this. The Comprehensive Plan, currently being updated, will address the entire City-wide Economic Development issues. The Economy chapter will include supply and demand of industrial and employment land, and related issues.

HOUSING

10 The proposed comp plan change to Policy 5.5 regarding allowance of housing makes reference to a 'Commercial Professional District' that is not one of the zoning districts outlined in the TDIP (Paramatrix, August 05, Technical Memorandum, pp 12-14 and associated zoning map). Thus, it is impossible to determine the comp plan's housing for downtown. Inconsistency #1: In this same comp plan change, MUE multifamily housing is encouraged to develop at R-40 densities, while in the TDIP noted above, MUE multifamily housing is limited to R-25 densities. The inconsistency should be resolved. Inconsistency #2: The proposed comp plan change for Policy 5.5 refers to MUC-1 district, a designation not included on the recommended zoning map of the TDIP. This reference to MUC-1 calls for housing between a minimum of 25 units/acre to 50 units/acre, but excludes from these density limits housing developed above non-residential uses. In the TDIP, multifamily housing in the MUC district is ONLY allowed above non-residential uses and is required to comply with the R-40 standards and density. The inconsistency should be resolved.

Response:

Policy 5.5 provides policy specifying where complementary residential development shall be allowed in some commercial zones all around the city. It does not only apply to the Downtown. Policy 5.5 needed to be amended to allow complementary housing in all zones of the Urban Renewal District, (not only above the second floor as the Policy currently states).

The zoning matters referred to by Mr. Frewing as "inconsistencies" actually are not related to the Downtown. The zones referred to are existing mixed used zones throughout the City. At any rate, this Comprehensive Plan Amendment is not instituting new zoning designations, but setting the legislative ground work to make future changes.

11 A Buildable Lands Inventory is not provided for the downtown area as required by OAR 660-007-0045 (1). This should be provided to comply with state rules.

Response:

A Buildable Lands Inventory (BLI) is available on the City's website and up to date as of January 1, 2007. It is not necessary to include the BLI with this post-acknowledgement Comprehensive Plan Amendment.

13 Note to review: Does the record of the pre-app meeting and application itself meet the requirements of Tigard CDC 18.380 and 18.390??

Response:

All applicable procedures for City-initiated Type IV Amendments have been followed and meet the requirements of 18.380 and 18.390.

EX. B

COMPREHENSIVE PLAN AMENDMENT TIGARD DOWNTOWN GOALS, POLICIES AND ACTION MEASURES

Comments of John Frewing 3/19/07 before the Tigard Planning Commission

1 Most of the data relied upon is 3 to 6 years old. Much more recent data is available and should be used in a revised comp plan amendment for downtown.

2 The 'Background' and 'Findings' of the proposed comp plan amendment mention respectively the TDIP and current zoning classifications for downtown Tigard, but the 'Policies' of the proposed comp plan amendment do not identify or reference zoning classifications which are conclusions in the TDIP. Thus, there is no change in zoning made by this comp plan amendment.

3 State rules require that decisions of the Commission and Council be based on fact. The proposed comp plan amendment does not include any facts which define the need and circumstances of the comp plan change. At least some such facts appear to be included in the TDIP and the more recently adopted Urban Renewal Plan, but are not part of the proposed changes. In the current comp plan, such facts are provided as Volume 1, Resources. The facts supporting the proposed changes should be identified and adopted as part of the comp plan change.

4 The physical boundaries of the downtown area subject to this revised comp plan are not defined. In the Existing Conditions/Opportunities and Constraints Report, Figure 1 purports to show the plan area, but it includes areas outside the urban renewal plan boundaries. In the Paramatrix Technical Memorandum map of the TDIP, a different boundary is shown. In the main body of the TDIP, its Figure 1 shows still a different boundary. Further inconsistencies exist between the TDIP, Figure 1 and the Paramatrix Technical Memorandum map – in the TDIP Figure 1, the FEMA floodplain is shown to include most of Tigard City Hall buildings, but in the Paramatrix Technical Memorandum map, the mapped floodplain is moved south of these buildings. This is significant because the Fanno Creek Open Space Overlay zone (TDIP, page 30) is defined as “between Burnham Street and the Fanno Creek 100-year floodplain . . .”.

5 Nothing exists in the proposed comp plan amendment that ensures public amenities will be developed at about the same pace as private developments in the downtown area. This is important to include; the experience of the Washington Square Regional Center plan shows that the public amenities (eg a circumferential trail, street improvements) have not been developed as millions of dollars have gone into intensive commercial development according to the plan. Perhaps one kind of control for at least one aspect of the plan would be to require that properties ADJOINING the Green Corridor/Urban Creek Overlay zone be subject to some additional design review (including view clearances, setback distances, pedestrian amenities, etc) in addition to properties IN the Green Corridor/Urban Creek Overlay zone.

6 The proposed comp plan amendment, including its purported factual base (TDIP, 9/27/05), seems to fall far short of the state requirements (ORS 197.015, ORS 227.170) that it “interrelates all functional and natural systems and activities relating to use of lands including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities and natural resources and air and water quality management systems” and be “based on factual information, including adopted comprehensive plans.” Of these minimum scope requirements, transportation systems have been discussed the most, but in the TDIP and proposed comp plan amendments, none of the other systems/activities have been discussed in substance. For example, the entire discussion of the natural resources is to state that Fanno Creek originates near Wilson High School and drains to the Tualatin River, with diverse wildlife species. There is no discussion of trends in wildlife counts, invasive species, water pollution, air pollution, noise impacts of development, etc. There is no mention of the required CWS buffer zone around riparian and wetland areas which is likely to impact vision statements of a central gathering place near Fanno Creek (ie it must be moved away from the stream further than shown on drawings). There is no discussion of the small stream which will be the focus of the Green

Corridor/Urban Creek catalyst project and what natural features it might harbor. There is no discussion of tree canopy cover and how to achieve it, an important part of any 'green' development and significant because of Tigard's past failure to enforce development conditions for this subject (eg Costco parking acreage).

7 To the extent that the TDIP appendices provide the basis for future modification of related local plans, eg Community Development Code, TSP, they should be qualified to indicate that they do NOT reflect any community plan for action, by any city body. For example, Figure 1 of Appendix C (Kittleston, 10/24/04) shows a 'planned sidewalk' for a non-existent Wall Street extension, east of the current Tigard library – not only is this outside of any definition of downtown, but it is not supported by any pedestrian traffic studies. Similarly, the proposed bike facilities of Figure 2 are a disjointed collection of routes not supported by any study or discussion with interested citizen groups.

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11 A Buildable Lands Inventory is not provided for the downtown area as required by OAR 660-007-0045 (1). This should be provided to comply with state rules.

12 This comp plan amendment appears to not address important and relevant Statewide Planning Goals and Guidelines. Such omissions include Goal 6 regarding the quality of air, water and land resources, Goal 7 regarding protection of the community from natural disaster and hazard areas (eg flooding), Goal 11, regarding planning for public facilities and Goal 13 regarding energy conservation. A revision of the proposed comp plan section for downtown should include consideration of these issues.

13 Note to review: Does the record of the pre-app meeting and application itself meet the requirements of Tigard CDC 18.380 and 18.390??